

ADMINISTRATIVE PANEL DECISION

BravoNext SA v. bai sheng
Case No. D2024-2645

1. The Parties

The Complainant is BravoNext SA, Switzerland, represented by Bird & Bird Società tra Avvocati, Italy.

The Respondent is bai sheng, Malaysia.

2. The Domain Names and Registrar

The disputed domain names <lastminute-ads.com>, <lastminute-database.com>, <lastminute-datenbank.com>, <lastminute-discovery.com>, <lastminute-engine.com>, <lastminute-order.com>, <lastminute-project.com>, <lastminute-projekt.com>, <lastminute-research.com>, <lastminute-theme.com>, and <projekt-lastminute.com> are registered with Gname.com Pte. Ltd. (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on June 26, 2024. On June 28, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain names. On July 1, 2024, the Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the disputed domain names which differed from the named Respondent (Redacted for Privacy) and contact information in the Complaint. The Center sent an email communication to the Complainant on July 1, 2024, providing the registrant and contact information disclosed by the Registrar, and inviting the Complainant to submit an amendment to the Complaint. The Complainant filed an amended Complaint on July 2, 2024.

The Center verified that the Complaint together with the amended Complaint satisfied the formal requirements of the Uniform Domain Name Dispute Resolution Policy (the “Policy” or “UDRP”), the Rules for Uniform Domain Name Dispute Resolution Policy (the “Rules”), and the WIPO Supplemental Rules for Uniform Domain Name Dispute Resolution Policy (the “Supplemental Rules”).

In accordance with the Rules, paragraphs 2 and 4, the Center formally notified the Respondent of the Complaint, and the proceedings commenced on July 4, 2024. In accordance with the Rules, paragraph 5, the due date for Response was July 24, 2024. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on July 25, 2024.

The Center appointed James Wang as the sole panelist in this matter on July 31, 2024. The Panel finds that it was properly constituted. The Panel has submitted the Statement of Acceptance and Declaration of Impartiality and Independence, as required by the Center to ensure compliance with the Rules, paragraph 7.

4. Factual Background

The Complainant, which belongs to the lastminute.com group of companies, owns and operates the website “www.lastminute.com”.

Since 1998, the Complainant provides customers with a comprehensive range of offerings, including hotels, flights, spa days, and city breaks.

The Complainant’s website and the corresponding app allow users to search, compare, and book a wide range of travel options and packages around the world, including flights, hotels, train tickets, car rental and leisure activities.

Besides the website at “www.lastminute.com”, the Complainant’s services are provided through country-specific websites.

The Complainant holds multiple trademark registrations for the marks LASTMINUTE and LASTMINUTE.COM, including but not limited to:

- European Union Trade Mark No. 007200645, LASTMINUTE, registered on April 26, 2010;
- European Union Trade Mark No. 007200413, LASTMINUTE.COM, registered on April 26, 2010;
- United Kingdom trademark No. UK00907200645, LASTMINUTE, registered on April 26, 2010;
- United Kingdom trademark No. UK00907200413, LASTMINUTE.COM, registered on April 26, 2010.

The disputed domain names were registered on different dates and resolved to different web pages. To be specific:

- The disputed domain name <lastminute-database.com> was registered on March 12, 2024, and resolved to a web page displaying the Complainant’s trademark LASTMINUTE.COM.
- The disputed domain name <lastminute-projekt.com> was registered on April 7, 2024, and resolved to a web page displaying the Complainant’s trademark LASTMINUTE.COM.
- The disputed domain name <lastminute-datenbank.com> was registered on April 7, 2024, and resolved to a web page displaying the Complainant’s trademark LASTMINUTE.COM.
- The disputed domain name <lastminute-ads.com> was registered on June 5, 2024, and resolved to a web page displaying the Complainant’s trademark LASTMINUTE.COM.
- The disputed domain name <lastminute-discovery.com> was registered on June 5, 2024, and resolved to a web page displaying the Complainant’s trademark LASTMINUTE.COM.
- The disputed domain name <lastminute-engine.com> was registered on June 5, 2024, and resolved to a web page displaying the Complainant’s trademark LASTMINUTE.COM.
- The disputed domain name <lastminute-theme.com> was registered on June 5, 2024, and resolved to a web page displaying the Complainant’s trademark LASTMINUTE.COM.
- The disputed domain name <lastminute-research.com> was registered on March 12, 2024, and did not resolve to an active web page.
- The disputed domain name <lastminute-project.com> was registered on March 12, 2024, and did not resolve to an active web page.
- The disputed domain name <projekt-lastminute.com> was registered on April 7, 2024, and did not resolve to an active web page.
- The disputed domain name <lastminute-order.com> was registered on June 5, 2024, and did not resolve to an active web page.

5. Parties' Contentions

A. Complainant

The Complainant contends that it has satisfied each of the elements required under the Policy for a transfer of the disputed domain names.

B. Respondent

The Respondent did not reply to the Complainant's contentions.

6. Discussion and Findings

According to paragraph 4(a) of the Policy, the Complainant must prove that:

- (i) the disputed domain names are identical or confusingly similar to a trademark or service mark in which the Complainant has rights; and
- (ii) the Respondent has no rights or legitimate interests in respect of the disputed domain names; and
- (iii) the disputed domain names have been registered and are being used in bad faith.

A. Identical or Confusingly Similar

It is well accepted that the first element functions primarily as a standing requirement. The standing (or threshold) test for confusing similarity involves a reasoned but relatively straightforward comparison between the Complainant's trademark and the disputed domain names. WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition, ("[WIPO Overview 3.0](#)"), section 1.7.

The Complainant has provided evidence that it is the registrant of the trademarks LASTMINUTE and LASTMINUTE.COM. The Complainant has shown rights in respect of a trademark or service mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.2.1.

The Panel finds the LASTMINUTE mark is recognizable within the disputed domain names. Accordingly, the disputed domain names are confusingly similar to the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

The Panel finds the first element of the Policy has been established.

B. Rights or Legitimate Interests

Paragraph 4(c) of the Policy provides a list of circumstances in which the Respondent may demonstrate rights or legitimate interests in a disputed domain name.

Although the overall burden of proof in UDRP proceedings is on the complainant, panels have recognized that proving a respondent lacks rights or legitimate interests in a domain name may result in the difficult task of "proving a negative", requiring information that is often primarily within the knowledge or control of the respondent. As such, where a complainant makes out a prima facie case that the respondent lacks rights or legitimate interests, the burden of production on this element shifts to the respondent to come forward with relevant evidence demonstrating rights or legitimate interests in the domain name (although the burden of proof always remains on the complainant). If the respondent fails to come forward with such relevant evidence, the complainant is deemed to have satisfied the second element. [WIPO Overview 3.0](#), section 2.1.

In the present case, having reviewed the available record, the Panel finds the Complainant has established a prima facie case that the Respondent lacks rights or legitimate interests in the disputed domain names. The

Respondent has not rebutted the Complainant's prima facie showing and has not come forward with any relevant evidence demonstrating rights or legitimate interests in the disputed domain names such as those enumerated in the Policy or otherwise.

Panels have held that the use of a domain name for illegal activity here, impersonation/passing off, likely for phishing purposes, can never confer rights or legitimate interests on a respondent. [WIPO Overview 3.0](#), section 2.13.1.

The Panel finds the second element of the Policy has been established.

C. Registered and Used in Bad Faith

Paragraph 4(b) of the Policy sets out a list of non-exhaustive circumstances that may indicate that a domain name was registered and used in bad faith, but other circumstances may be relevant in assessing whether a respondent's registration and use of a domain name is in bad faith. [WIPO Overview 3.0](#), section 3.2.1.

In the present case, the Panel notes that while the disputed domain names <lastminute-research.com>, <lastminute-project.com>, <projekt-lastminute.com> and <lastminute-order.com> did not resolve to an active web page, the other disputed domain names <lastminute-database.com>, <lastminute-projekt.com>, <lastminute-datenbank.com>, <lastminute-ads.com>, <lastminute-discovery.com>, <lastminute-engine.com> and <lastminute-theme.com> resolved to web pages displaying the Complainant's trademark LASTMINUTE.COM seeking sensitive login information, such as passwords and phone numbers, from Internet users.

Panels have found that the non-use of a domain name would not prevent a finding of bad faith under the doctrine of passive holding. [WIPO Overview 3.0](#), section 3.3. Having reviewed the available record, the Panel notes the distinctiveness of the Complainant's trademark and the composition of the disputed domain names, and finds that in the circumstances of this case the passive holding of the disputed domain names <lastminute-research.com>, <lastminute-project.com>, <projekt-lastminute.com> and <lastminute-order.com> does not prevent a finding of bad faith under the Policy.

Panels have also held that the use of a domain name for illegal activity here, impersonation/passing off, likely for phishing purposes, constitutes bad faith. [WIPO Overview 3.0](#), section 3.4. Having reviewed the record, the Panel finds the Respondent's registration and use of the disputed domain names <lastminute-database.com>, <lastminute-projekt.com>, <lastminute-datenbank.com>, <lastminute-ads.com>, <lastminute-discovery.com>, <lastminute-engine.com> and <lastminute-theme.com> constitutes bad faith under the Policy.

The Panel finds that the Complainant has established the third element of the Policy.

7. Decision

For the foregoing reasons, in accordance with paragraphs 4(i) of the Policy and 15 of the Rules, the Panel orders that the disputed domain names <lastminute-ads.com>, <lastminute-database.com>, <lastminute-datenbank.com>, <lastminute-discovery.com>, <lastminute-engine.com>, <lastminute-order.com>, <lastminute-project.com>, <lastminute-projekt.com>, <lastminute-research.com>, <lastminute-theme.com>, and <projekt-lastminute.com> be transferred to the Complainant.

/James Wang/

James Wang

Sole Panelist

Date: August 14, 2024